



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

MICHAEL J. KEANE
ACTING DISTRICT ATTORNEY

October 9, 2024

Hon. Jeremiah J. McCarthy
Magistrate Judge
United States District Court
Western District of New York
2 Niagara Square
Buffalo, New York 14202-3350

Melissa D. Wischerath, Esq.
Lipsitz Green Scime Cambria LLP
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924

Re: Jane Doe v. Erie County, et al.
Case No. 22-cv-815-JLS-JJM

Dear Hon. McCarthy and Ms. Wischerath:

This letter is response to Your Honor's order in this matter dated September 5, 2024, specifically the portion directing the Erie County District Attorney's Office (ECDA) to produce a privilege log of any grand jury materials being withheld from disclosure. That information follows:

Item No. 1 - Minutes of grand jury proceedings

These items are being withheld pursuant to New York Criminal Procedure Law § 190.25(4) (*See generally James v. Donovan*, 130 A.D.3d 1032 [2nd Dept. 2015], *lv. denied* 26 N.Y.3d 1048).

Item No. 2 - Grand jury exhibits 1-6, respectively, photograph; order of protection; phone records; rules of conduct for Erie County Sheriffs Office; code of conduct for jail management personnel; Erie County motor vehicle police

These items are being withheld pursuant to New York Criminal Procedure Law § 190.25(4) (*See generally James v. Donovan*, 130 A.D.3d 1032 [2nd Dept. 2015], *lv. denied* 26 N.Y.3d 1048).

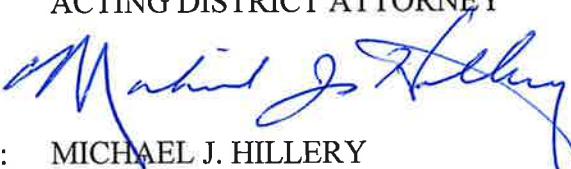
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Item No. 3 - Grand jury subpoenas

These items are being withheld pursuant to New York Criminal Procedure Law § 190.25 (4) (*See generally James v. Donovan*, 130 A.D.3d 1032 [2nd Dept. 2015], *lv. denied* 26 N.Y.3d 1048).

Very truly yours,

MICHAEL J. KEANE
ACTING DISTRICT ATTORNEY


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MJH/ejw